UNITED NATIONS

Framework Convention on Climate Change

Distr
GENERAL

FCCC/CP/1997/1
30 September 1997

Original: ENGLISH

CONFERENCE OF THE PARTIES
Third session
Kyoto, 1 - 10 December 1997
Item 2 (c) and (f) of the provisional agenda

PROVISIONAL AGENDA AND ANNOTATIONS, INCLUDING SUGGESTIONS FOR THE ORGANIZATION OF WORK*

Note by the Executive Secretary

CONTENTS

		Paragraphs	Page
I.	PROVISIONAL AGENDA	1	2
II.	ANNOTATIONS TO THE PROVISIONAL AGENDA, INCLUDING SUGGESTIONS FOR THE ORGANIZATION OF WORK	2 - 79	4

Annex

Tentative schedule of meetings for the third session of the Conference of the Parties

* Further information on the organization of the high-level segment of the session, an update arising from the outcome of the October sessions of the subsidiary bodies of the Conference of the Parties, and the list of documents for the third session of the Conference will be issued in an addendum to this document after the October sessions.

I. PROVISIONAL AGENDA

1. Rule 9 of the draft rules of procedure being applied provides that, "in agreement with the President, the secretariat shall draft the provisional agenda of each session" of the Conference of the Parties (COP). In preparing the draft provisional agenda for the third session for consideration by the President of the Conference of the Parties at its second session (COP 2), the Executive Secretary took account of views expressed by the Subsidiary Body for Implementation (SBI), notably at its sixth session (FCCC/SBI/1997/16, para. 34), the Bureau of the COP and the delegation of Japan representing the host Government of the third session of the Conference of the Parties (COP 3). The provisional agenda has been approved by the President and is presented for adoption as follows:

1. Opening of the session:

   (a) Statement by the President of the Conference at its second session;

   (b) Election of the President of the Conference at its third session;

   (c) Statement by the President;

   (d) Addresses of welcome;

   (e) Statement by the Executive Secretary.

2. Organizational matters:

   (a) Status of ratification of the Convention;

   (b) Adoption of the rules of procedure;

   (c) Adoption of the agenda;

   (d) Election of officers other than the President;

   (e) Admission of organizations as observers;

   (f) Organization of work, including the establishment of a sessional Committee of the Whole;

   (g) Calendar of meetings of Convention bodies 1998-1999;

   (h) Date and venue of the fourth session of the Conference of the Parties;

(i) Adoption of the report on credentials.

3. Review of the implementation of the Convention:

(a) Reports of the subsidiary bodies and matters arising therefrom:

(i) Reports of the Subsidiary Body for Scientific and Technological Advice;

(ii) Reports of the Subsidiary Body for Implementation;

(iii) Reports of the Ad Hoc Group on the Berlin Mandate;

(iv) Reports of the Ad Hoc Group on Article 13;

(b) Development and transfer of technologies;

(c) Financial mechanism: report of the Global Environment Facility to the Conference;

(d) Second review of the adequacy of Article 4.2(a) and (b);

(e) Review of information and possible decisions under Article 4.2(f);

(f) Other matters relating to implementation.

4. Amendments to the Convention and its Annexes:

(a) Proposal to amend Article 4.3;

(b) Proposal to amend Article 17;

(c) Proposals to amend Annexes I and II.

5. Adoption of a protocol or another legal instrument: fulfilment of the Berlin Mandate.

6. High-level segment attended by ministers and other heads of delegation.

7. Other matters.

8. Conclusion of the session:

(a) Adoption of the report of the Conference of the Parties on its third session;

(b) Closure of the session.

II. ANNOTATIONS TO THE PROVISIONAL AGENDA, INCLUDING SUGGESTIONS FOR THE ORGANIZATION OF WORK

1. Opening of the session

2. The Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) will hold its third session from 1 to 10 December 1997. In accordance with rule 3 of the draft rules of procedure, the session will be opened at the Kyoto International Conference Hall, Kyoto, Japan on Monday, 1 December 1997.

3. Pursuant to rule 26 of the draft rules of procedure, the session will be opened by Mr. Chen Chimutengwende, Minister for Information, Posts and Telecommunications of Zimbabwe, in his capacity as President of COP 2.

(a) Statement by the President of the Conference at its second session

4. The outgoing President of the Conference, Mr. Chen Chimutengwende, will make a statement.

(b) Election of the President of the Conference at its third session

5. According to rule 22 of the draft rules of procedure, the office of President is subject to rotation among the five regional groups. The President of the third session of the Conference of the Parties should accordingly be the representative of a Party belonging to the Asian Group. Moreover, in accordance with established practice, the hosting of a session of the COP away from the headquarters of the secretariat confers the Presidency upon the head of the delegation of the host country. Following both these criteria, the President of COP 2 will call for the election of the head of the delegation of Japan as President.

(c) Statement by the President

6. The President will make a statement after his election.

(d) Addresses of welcome

7. There may be one or more addresses of welcome by the authorities of the host country.

(e) Statement by the Executive Secretary

8. The Executive Secretary of the UNFCCC secretariat will make a statement on the tasks to be undertaken by the Conference.

2. Organizational matters

(a) Status of ratification of the Convention

9. A status report on the ratification of the Convention, including declarations made under Article 4.2 (g) will be before the Conference for its information (FCCC/CP/1997/INF.1). This will confirm which States are Parties to the Convention and therefore eligible to participate in decision-making.

10. For each State that ratifies, accepts or approves the Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention enters into force on the ninetieth day after the date of deposit with the Depositary of its instrument of ratification, acceptance, approval or accession. The Parties as at the opening of COP 3 on 1 December 1997 will be the 168 States and the regional economic integration organization that had deposited such instruments by 1 September 1997.

11. It should be noted that Yugoslavia, which deposited its instrument on 3 September 1997, will become a Party during COP 3, thus bringing the total number of Parties to 169 as of 4 December 1997. States that have deposited or will deposit such instruments after 11 September 1997 will not become Parties until after the closure of the session.

12. No provision is made for statements under this sub-item; relevant information may be communicated in statements made under other items. In addition, delegations of States that have not ratified or acceded to the Convention are invited to inform the secretariat, in writing, of their Governments' plans to do so.

(b) Adoption of the rules of procedure

13. According to Article 7.2(k) of the Convention, the COP "shall agree upon and adopt, by consensus, rules of procedure ... for itself and for any subsidiary bodies". The Conference was unable to adopt its rules of procedure at its first and second sessions; it decided to apply the draft rules with the exception of draft rule 42 on voting, and requested its successive Presidents to conduct consultations thereon. The draft rules have been similarly applied, *mutatis mutandis*, to the subsidiary bodies (FCCC/CP/1995/7, para. 10 and FCCC/CP/1996/15, para. 12).

14. The Conference of the Parties will have before it document FCCC/CP/1996/2 containing the text of the draft rules of procedure and a report by the President of COP 2 on his consultations that he will introduce in his opening statement to the session. The COP is invited to adopt by consensus, at the start of its third session, rules of procedure for itself and its subsidiary bodies. Representatives of Parties are urged to undertake consultations to this end before the session.

(c) Adoption of the agenda

15. The provisional agenda for COP 3, prepared in accordance with rule 9 of the draft rules of procedure, is presented for adoption (see section I of this document).

16. A list of documents relating to the provisional agenda, as well as other documents available at the session, will be issued in an addendum to this document after the October 1997 sessions of the subsidiary bodies.

(d) Election of officers other than the President

(i) Election of officers of the Conference of the Parties other than the President

17. Rule 22 of the draft rules of procedure provides that "at the commencement of the first meeting of each ordinary session, a President, seven Vice-Presidents, the Chairmen of the subsidiary bodies established by Articles 9 and 10 of the Convention, and a Rapporteur shall be elected from among the representatives of the Parties present at the session. They will serve as the Bureau of the session. Each of the five regional groups shall be represented by two Bureau members and one Bureau member shall represent the small island developing States. The offices of President and Rapporteur shall normally be subject to rotation among the five regional groups." Rule 22 further states that "no officer may serve on the Bureau for more than two consecutive terms of one year". Accordingly, the representatives of Antigua and Barbuda, the Russian Federation and Samoa, who are serving as Vice-Presidents for a second consecutive term and the representatives of Hungary and Mauritania, who are in their second terms as Chairmen of the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI), respectively, are not individually eligible for re-election to the Bureau. The representatives of Canada, Costa Rica, Germany and Kuwait, who are serving their first terms as Vice-Presidents, may be re-elected for a second term. In line with established practice, the Rapporteur, currently the representative of the Philippines, should be elected from the region which will provide the President for the Conference of the Parties at its fourth session (COP 4); however, the said representative is eligible for election to another post in the Bureau for a consecutive term of one year.

18. The SBI, at its sixth session, invited the President of COP 2 to start consultations with a view to advising the newly elected President of COP 3 on the election of the other members of the Bureau and the Chairman of the Committee of the Whole (FCCC/SBI/1997/16, para. 34 (f)).

19. It is hoped that a complete slate of candidates for the Bureau of COP 3 will be before the Conference at its first plenary meeting and that the Conference will adopt the list by consensus.

(ii) Election of the Chairman of the Committee of the Whole

20. Taking into account the importance of the tasks to be entrusted to the Committee of the Whole, a smooth transition from the Ad Hoc Group on the Berlin Mandate (AGBM) to the Committee of the Whole and a prompt start to the work of the latter, the COP may wish to designate the Chairman of the Committee at its first plenary meeting, taking account of the consultations of the President of COP 2.

(iii) Election of other officers of subsidiary bodies

21. In the light of rule 22 of the draft rules of procedure, it will also be necessary to elect the Vice-Chairmen and the Rapporteurs of the SBSTA and the SBI. Rule 27 of the draft rules of procedure provides that "each subsidiary body shall elect its own Vice-Chairman and Rapporteur". However, if there is agreement on the nominations for these officers of subsidiary bodies, the whole list of officers may be elected directly by the Conference in plenary session. Consultations may be conducted during the Conference to enable the Parties to reach consensus on the election of the other officers of the SBSTA and the SBI.

22. It may be noted that the AGBM will have concluded its work at its eighth session. The Chairman and the other officers of the Ad Hoc Group on Article 13 will serve for the duration of the group's work. Thus no election of officers of these bodies will be required.

(e) Admission of organizations as observers

23. The admission of intergovernmental and non-governmental organizations as observers is governed by Article 7.6 of the Convention, which provides, *inter alia*, that "any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object".

24. At its first session, the COP agreed (FCCC/CP/1995/7, para. 22), on the proposal of the President, that the secretariat should invite to the future sessions of the Conference and of its subsidiary bodies all intergovernmental and non-governmental organizations admitted at that session and at future sessions, unless an objection was raised to any particular organization in accordance with the Convention and the rules of procedure. Consequently, all the organizations admitted to the first and second sessions have been invited to attend the third session, and the procedure for admission to the COP will apply to new applicants only.

25. In this context, the secretariat is preparing a list of intergovernmental and non-governmental organizations that have expressed a wish to be invited to COP 3, for consideration by the Conference at the start of the session (FCCC/CP/1997/3). The list includes all intergovernmental and non-governmental organizations that have requested and been accorded provisional admission to the work of the subsidiary bodies since COP 2. In drawing up the list, the secretariat has taken due account of the provisions of Article 7.6 and of the established practice whereby non-governmental organizations are required to furnish proof of their non-profit (tax-exempt) status in a State Member of the United Nations or of a specialized agency or of the International Atomic Energy Agency.

26. The COP Bureau will consider the list of applicants during the October 1997 sessions of the subsidiary bodies with a view to establishing that the organizations contained in the list meet all requirements, and authorize the secretariat to advise those applicants of their "pre-admittance status", on the understanding that the final authority for the admission of observers rests with the COP. At its first plenary meeting, the Conference will have before it for approval a document containing the list of organizations recommended for admission as observers (FCCC/CP/1997/4).

(f) Organization of work, including the establishment of a sessional Committee of the Whole

27. The SBI at its sixth session requested the Executive Secretary to proceed with the organizational preparations for COP 3, in particular, the organization of work on the basis of the proposals contained in paragraphs 15 to 45 of document FCCC/SBI/1997/11, seeking advice from the Bureau as needed and taking into account views and comments expressed by delegations during that session (FCCC/SBI/1997/16, para. 34 (e)).

(i) Purpose of the session

28. Article 7.2 of the Convention provides that "the Conference of the Parties, as the supreme body of [the] Convention, shall keep under regular review the implementation of the Convention ... and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention." Article 7.2(a) further provides that the Conference of the Parties shall "periodically examine the obligations of the Parties and the institutional arrangements under the Convention, in the light of the objective of the Convention, the experience gained in its implementation and the evolution of scientific and technological knowledge". The principal objective of COP 3 in this context will be to fulfil the Berlin Mandate, set by its decision 1/CP.1, on the basis of the results of the Ad Hoc Group on the Berlin Mandate. The Conference will in addition consider for the first time amendments to the Convention proposed by the Parties.

(ii) Allocation of tasks and establishment of a Committee of the Whole

29. The session should be organized in such a manner as to facilitate the successful achievement of that principal objective. To this end, the SBI, at its fifth session, recommended that "after dealing with the opening and organizational matters, COP 3 would immediately allocate the completion of decisions on the Berlin Mandate process to a sessional committee of the whole, open to all delegations" (FCCC/SBI/1997/6, para. 44 (c)(ii)). In pursuance of this recommendation, the following organizational proposals are presented for adoption by the Conference.

30. At the opening plenary meeting on 1 December, statements will be made by the outgoing President of the second session of the COP, the newly-elected President of the third session and the Executive Secretary. There may be one or more addresses of welcome. In order to dispose quickly of opening procedures, it is proposed that these be the only statements at the opening of the session. The first plenary meeting will then take up a number of organizational matters, namely sub-items 2 (a) to (e) (see annotations above).

31. The first plenary meeting will next start consideration of item 3 (a), under which the Chairmen of the subsidiary bodies will introduce their reports including the decisions recommended by the subsidiary bodies. The Conference will be invited to adopt these decisions. Any outstanding issues arising from the reports will be considered further by the plenary or allocated to the Committee of the Whole.

32. The first plenary meeting will then revert to organizational matters, namely sub-item 2 (f). The establishment of the sessional Committee of the Whole will be dealt with under this sub-item. Item 5 of the provisional agenda will be allocated to the Committee and it will be expected to begin its work immediately. On the completion of its work, the Committee will recommend action thereon for adoption by the COP. The Committee of the Whole will also consider any other issues that may be referred to it by the Conference.

33. The Committee of the Whole will also make arrangements for a comprehensive editorial and linguistic review of the draft instrument, to ensure consistency within the text and among the languages.

34. Other items or sub-items not allocated to the Committee of the Whole will be dealt with directly in plenary meetings. The President may refer drafting tasks to informal groups, as appropriate.

35. By the end of the first week of the session, the Committee should identify a limited number of issues that require the priority attention of ministers and other heads of delegation during the high-level segment. On the morning of Friday, 5 December 1997, the Chairman of the Committee of the Whole and other officers entrusted with any informal consultations will present status reports to the COP at a plenary meeting, at which the COP will decide on further

organization of work, including setting time limits on the work of the Committee of the Whole and on any consultations.

(iii) Schedule of meetings

36. The number of meetings taking place simultaneously should be limited to two, to facilitate the work of small delegations. A tentative schedule of meetings is contained in the annex to this document. The schedule is based, *inter alia*, on the organizational proposals in paragraphs 29-35 above. The scheduling of meetings during COP 3 is based on the availability of conference servicing facilities during normal working hours, evenings and weekends. Given the workload of COP 3, provision has been made for the holding of two simultaneous meetings, with full interpretation facilities, in the mornings, afternoons and some evenings of the sessional period of 1 to 10 December 1997. Arrangements have been made for evening meetings during the high-level segment on Monday, 8 December and Tuesday, 9 December 1997. Delegates may wish to note that meetings with interpretation have been scheduled for Saturday, 6 December 1997.

(g) Calendar of meetings of Convention bodies 1998-1999

37. The SBI at its sixth session took note of the calendar of meetings for 1998-1999 and invited the Bureau of the COP to keep it under review (FCCC/SBI/1997/16, para. 38). At its meeting held on 8 August 1997, the Bureau of the COP agreed that further sessions of Convention bodies should be scheduled as follows:

(a) First sessional period in 1998: from 2 to 12 June;

(b) Second sessional period in 1998: from 16 to 27 November;

(c) First sessional period in 1999: from 31 May to 11 June;

(d) Second sessional period in 1999: from 24 October to 5 November.

38. The COP may wish to confirm this schedule and ask the Bureau of the COP to keep the dates under review, bearing in mind that commercial facilities are to be contracted.

(h) Date and venue of the fourth session of the Conference of the Parties

39. Rule 3 of the draft rules of procedure states that "the sessions of the Conference of the Parties shall take place at the seat of the secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the secretariat in consultation with the Parties". Rule 4, paragraph 2, of the draft rules specifies that "at each ordinary session, the Conference of the Parties shall decide on the date and duration of the next ordinary session".

40. At its sixth session, the SBI was informed by the secretariat that no offer to host COP 4 had been received. The SBI invited any Party desirous of making an offer to host COP 4 to communicate such proposal to the secretariat before 30 September 1997 so that the secretariat could take it into account in its planning for the Conference (FCCC/SBI/1997/16, paras. 35 and 37). No such offer was received by that date.

41. In this connection, the COP is invited to adopt the recommendation made by the SBI at its sixth session that COP 4 should be held in November 1998. If no offer to host COP 4 is received, the venue will be Bonn unless the Conference decides otherwise. The SBI also requested the Executive Secretary to initiate the preparations for COP 4 (see annex V to FCCC/SBI/1997/16).

(i) Adoption of the report on credentials

42. According to rule 19 of the draft rules of procedure being applied, the credentials of representatives of Parties, as well as the names of alternate representatives and advisers, shall be submitted to the secretariat not later than twenty-four hours after the opening of the session. Any later change in the composition of the delegation shall also be submitted to the secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization. The Bureau of COP 3 shall examine the credentials and submit its report to the Conference (see rule 20 of the draft rules of procedure). Representatives shall be entitled to participate provisionally in the session, pending a decision by the COP to accept their credentials (see rule 21 of the draft rules of procedure). With regard to the adoption of a protocol or another legal instrument, only Parties with credentials would be able to participate in its adoption which may be followed by an initialling of the text or signature of a final act. The Conference will have before it for adoption the report on credentials to be submitted by the Bureau.

3. Review of the implementation of the Convention

(a) Reports of the subsidiary bodies and matters arising therefrom

43. According to Article 7.2(j) of the Convention, the Conference of the Parties shall review reports submitted by its subsidiary bodies and provide guidance to them. The subsidiary bodies currently are the Subsidiary Body for Scientific and Technological Advice (SBSTA), the Subsidiary Body for Implementation (SBI), the Ad Hoc Group on Article 13 (AG13) and the Ad Hoc Group on the Berlin Mandate (AGBM).

44. At its first and second sessions, the Conference of the Parties adopted decisions providing for the subsidiary bodies to report to it at its third session. The reports of the subsidiary bodies on their sessions since COP 2 will be before COP 3. These reports will contain, *inter alia*, draft decisions or conclusions recommended for adoption by COP 3.

45. Each set of reports will be introduced by the Chairman of the subsidiary body after which the COP will be invited to adopt the recommended decisions without further discussion. The SBI and the AG13 have already agreed on such recommendations. A full list of the recommended decisions and conclusions will be made available in the update to this document. Any outstanding issues from the subsidiary bodies will be referred to the plenary for consideration.

(b) Development and transfer of technologies

46. At its first session, the COP decided, *inter alia*, "to review, at the second session of the Conference of the Parties, and at each session of the Conference of the Parties thereafter, the implementation of Article 4.5 and 4.1(c) of the Convention as a separate agenda item" (see decision 13/CP.1). This decision was reaffirmed by COP 2 (see decision 7/CP.2).

47. By the same decision, COP 2 requested the secretariat to undertake a number of activities related to inventorying and assessing environmentally sound and economically viable technology and know-how conducive to mitigating and adapting to climate change; this was further elaborated by the SBSTA (see FCCC/SBSTA/1997/4, paras. 43-44). These activities included reports on non-Annex II activities, terms of transfer, adaptation technologies, technology information centres and networks and a survey of the technology needs of developing countries. The COP may wish to review the implementation of the above-mentioned provisions of the Convention and the related activities of the secretariat and adopt any decision it considers necessary.

(c) Financial mechanism: report of the Global Environment Facility to the Conference

48. The Memorandum of Understanding (MOU) between the COP and the Council of the Global Environment Facility (GEF) provides, *inter alia*, that the Conference of the Parties should receive and review at each of its sessions a report from the GEF which should include specific information on how it has applied the guidance and decisions of the Conference of the Parties in its work related to the Convention (see decisions 11/CP.2 and 12/CP.2). Accordingly, the Conference of the Parties will have before it a report from the Council of the GEF contained in document FCCC/CP/1997/3.

49. The MOU further provides that, in accordance with Article 11.1 of the Convention, the Conference of the Parties will, after each of its sessions, communicate to the GEF any policy guidance approved by the COP concerning the financial mechanism.

50. The Conference may wish to take note of the report from the GEF and adopt any decision on guidance to the GEF it may consider necessary.

(d) Second review of adequacy of Article 4.2(a) and (b)

51. Article 4.2(d) provides that the Conference of the Parties shall, at its first session, review the adequacy of Article 4.2(a) and (b). The first review of Article 4.2(a) and (b) was undertaken by COP 1 and, having considered that the subparagraphs were not adequate, the COP agreed to begin a process to enable it to take appropriate action for the period beyond 2000, including the strengthening of the commitments of the Parties included in Annex I to the Convention (Annex I Parties) in Article 4.2(a) and (b) through the adoption of a protocol or another legal instrument by COP 3 (see decision 1/CP.1). Article 4.2(d) further provides that a second review of Article 4.2(a) and (b) shall take place not later than 31 December 1998, and thereafter at regular intervals determined by the Conference of the Parties, until the objective of the Convention is met.

52. The SBI at its sixth session requested the secretariat to make all the necessary preparations for COP 3 to consider the second review of the adequacy of Article 4.2, subparagraphs (a) and (b), and invited COP 3 to place on the agenda for COP 4 the second review of Articles 4.2, subparagraphs (a) and (b) of the Convention (FCCC/SBI/1997/16, para. 34 (c)).

53. The COP may wish to draw on the first compilation and synthesis of second national communications of Annex I Parties (FCCC/SBI/1997/19 and Add.1) and its review by the SBI at the latter's seventh session.

(e) Review of information and possible decisions under Article 4.2(f)

54. The SBI at its sixth session recommended that COP 3 undertake a review of available information, in accordance with Article 4.2 (f), with a view to taking decisions regarding amendments to the lists in Annexes I and II to the Convention (FCCC/SBI/1997/16, para. 34 (d)).

55. Article 4.2(f) of the Convention provides that the Conference of the Parties shall review, not later than 31 December 1998, available information with a view to taking decisions regarding such amendments to the lists in Annexes I and II as may be appropriate, with the approval of the Party concerned.

56. So far submissions that are relevant to Article 4.2(f) have been received in connection with the specific cases of the Czech Republic, Slovakia and Turkey. These cases are explained below. In addition, lists of countries to be subject to quantified emission limitation and reduction objectives (QELROs) are being considered in the AGBM.

Czech Republic and Slovakia

57. At its second session, the COP considered a request from the Czech Republic and Slovakia that the name of Czechoslovakia be deleted from Annex I to the Convention, and that the names of the Czech Republic and Slovakia be included in its place. The COP requested the secretariat to seek a legal opinion from the United Nations Office of Legal Affairs and report to the Parties to the Convention in due course through the SBI (FCCC/CP/1996/15, para. 10).

58. The opinion provided by the Office of Legal Affairs was conveyed to the SBI at its fifth session. In that opinion the depositary discounted the use of the correction procedure as not applicable for the inclusion of the two countries in Annex I to the Convention. An amendment procedure under Article 16 of the Convention was considered too cumbersome for the envisaged change. The SBI took note of the opinion and decided to recommend that the COP take up the request from the Czech Republic and Slovakia when it comes to review the lists in Annexes I and II to the Convention (FCCC/SBI/1997/6, para. 36).

Turkey

59. On 21 May 1997, Pakistan, at the request of Turkey, submitted a proposal to delete the name of Turkey from the lists of Parties included in Annexes I and II to the Convention through the review process envisaged in Article 4.2(f). Another request to delete the name of Turkey through the review process envisaged in Article 4.2(f) was submitted by Azerbaijan on 28 May 1997. (The deletion of the name of Turkey from the list of Parties included in Annexes I and II to the Convention will also be considered under item 4 (Amendments to the Convention and its Annexes, see FCCC/SBI/1997/15)).

60. The COP is invited to commence the review of the lists in Annexes I and II to the Convention at this session, taking into account the discussions on annexes in other subsidiary bodies and on the basis of information provided by the Czech Republic and Slovakia and the proposals from Pakistan and Azerbaijan.

(f) Other matters relating to implementation

61. Any other matters relating to implementation of the Convention may be considered by the COP under this sub-item.

4. Amendments to the Convention and its Annexes

62. Article 15.1 provides that "any Party may propose amendments to the Convention" and Article 15.2 provides that "amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment to the Convention shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments

to the signatories to the Convention and, for information, to the Depositary". Article 16 relates, *inter alia*, to the amendment of Annexes by application of the procedure set out in Article 15.

63. In accordance with the above provisions, Parties have submitted three proposals to amend the Convention and its Annexes. As indicated below, the proposed amendments were sent out to all Parties, signatories and, for information, to the Depositary (FCCC/SBI/1997/15).

(a) Proposal to amend Article 4.3

64. A proposal to amend Article 4.3 of the Convention was received from Kuwait on 2 June 1997 and communicated to all Parties, signatories and, for information, to the Depositary in a note verbale dated 4 June 1997.

(b) Proposal to amend Article 17

65. The Netherlands on behalf of the European Community and its member States submitted a proposal dated 23 May 1997 to amend Article 17 by the insertion of an Article 17 bis. The proposal was sent out to all Parties, signatories and, for information, to the Depositary in a note verbale dated 29 May 1997.

(c) Proposals to amend Annexes I and II

66. The proposals from Pakistan and Azerbaijan dated 21 and 28 May 1997 respectively, submitted at the request of Turkey, called for the deletion of the name of Turkey from the lists of Parties included in Annexes I and II to the Convention. The proposal from Pakistan made reference to Articles 4.2(f), 15.2 and 16.2; that from Azerbaijan was made in the context of Article 4.2(f). Their proposals were communicated to all Parties, signatories and, for information, to the Depositary in a note verbale dated 29 May 1997.

67. The SBI at its sixth session decided to conduct a preliminary exchange of views on the proposed amendments contained in document FCCC/SBI/1997/15 (FCCC/SBI/1997/16, para. 34 (h)). An update on the discussions at the seventh session of the SBI will be provided in the report of that session.

5. Adoption of a protocol or another legal instrument: fulfilment of the Berlin Mandate

68. At its first session, the COP by its decision 1/CP.1 agreed to begin a process to enable it to take appropriate action for the period beyond 2000, including the strengthening of the commitments of the Parties included in Annex I to the Convention (Annex I Parties) in Article 4, paragraph 2(a) and (b), through the adoption of a protocol or another legal instrument. An open-ended ad hoc group was established to conduct the negotiations and ensure the completion of its work as early as possible in 1997, with a view to adopting the results at the

third session of the Conference of the Parties. The AGBM will conclude its work at its eighth session in October 1997. A report on the work of the Ad Hoc Group on the Berlin Mandate will be given by the Chairman of the AGBM under item 3 (a)(iii) of the provisional agenda. The COP at its first plenary meeting on 1 December 1997 is expected to entrust the completion of the protocol or another legal instrument to a sessional Committee of the Whole.

69. The COP may wish to request the Chairman of the Committee of the Whole to present his status report on the work of the Committee to plenary on the morning of Friday, 5 December 1997. Decisions on further work, including the setting of time-limits on the work of the Committee of the Whole, could be decided at that meeting.

70. The report of the Chairman of the Committee of the Whole will provide a basis for the COP to adopt a protocol or another legal instrument.

6. High-level segment attended by ministers and other heads of delegation

71. The SBI, at its sixth session, recommended the holding of a high-level segment of the session from 8 to 10 December 1997 "to promote decision-making" and noted that it should be open to participation by ministers and other heads of delegation in all its meetings accompanied by senior advisers as necessary (FCCC/SBI/1997/16, para. 34 (g)).

72. A high-level segment to be attended by ministers and other heads of delegation has been scheduled for those recommended dates. Arrangements are being made for it in the light of the conclusions of the SBI at its sixth session and of further guidance received from the COP Bureau, and in consultation with the Government of Japan, host of COP 3.

73. The high-level segment will be opened by a representative of the host Government. It will also receive a message from the Secretary-General of the United Nations.

74. Ministers and other heads of delegation of Parties will have the opportunity to make statements at the plenary meetings on Monday, 8 December, and Tuesday, 9 December; meetings will be held for this purpose in the morning, afternoon and evening of these days. Representatives of observer States and organizations will also have the opportunity to make statements during this time.

75. In view of the number of Parties and the time available for statements during the ministerial segment, it will be necessary to limit the duration of each statement to some five minutes. Priority will be given to the scheduling of statements by ministers. Statements by observers will normally be scheduled towards the end of plenary meetings. The COP should set the time-limit for statements during the high-level segment at the start of the session, on the basis of the number of speakers inscribed on the list to be maintained by the secretariat. This would facilitate the preparation of statements for the following week. In order to allow all registered

speakers to make their statements within the allocated time, it will be necessary for plenary meetings to start punctually.

76. The list of speakers for the high-level segment will be opened by the secretariat as from 28 October 1997 in Bonn during the sessions of the subsidiary bodies. The high-level segment will conclude with the adoption of a protocol or another legal instrument and may be followed by an initialling of the text or signature of a final act. Further information will be given in the update to this document (FCCC/CP/1997/1/Add.1).

7. Other matters

77. Any other matters for the attention of the COP will be taken up under this item.

8. Conclusion of the session

(a) Adoption of the report of the Conference of the Parties on its third session

78. A draft report on the work of the session will be prepared for adoption by the Conference at the end of its session. In accordance with established practice, the COP is invited to authorize the Rapporteur to complete the final report after the session, with the guidance of the President and the assistance of the secretariat.

(b) Closure of the session

79. The President will declare the closure of the session.

Annex

TENTATIVE SCHEDULE OF MEETINGS FOR THE THIRD SESSION OF THE CONFERENCE OF THE PARTIES*

DATE	PLENARY		COMMITTEE OF THE WHOLE	
Monday, 1 December 10 a.m - 11 a.m.	Item 1 (a) (b) (c) (d) (e)	Opening of the session Statement by the President of COP 2 Election of the President of COP 3 Statement by the President Addresses of welcome Statement by the Executive Secretary		
11 a.m. - 1 p.m.	Item 2 (a) (b) (c) (d) (e) Item 3 (a) Item 2 (f)	Organizational matters Status of ratification of the Convention Adoption of the rules of procedure Adoption of the agenda Election of officers other than the President Admission of organizations as observers Review of the implementation of the Convention Reports of the subsidiary bodies and matters arising therefrom: • Statements by the Chairmen • Adoption of draft decisions • Identification of outstanding issues Organization of work • Establishment of a sessional Committee of the Whole • Allocation of items • Schedule of meetings		
3 p.m. - 6 p.m.	Item 2 (f) Item 3 (b) (c)	Continued Development and transfer of technologies Financial mechanism: report of the Global Environment Facility (GEF) to the Conference	Item 5	Adoption of a protocol or another legal instrument: fulfilment of the Berlin Mandate (Committee of the Whole will convene immediately after the completion of item 2(f) in plenary) (possible extension to 8 p.m.)

* Subject to decisions on allocation of items to the Committee of the Whole.

DATE	PLENARY		COMMITTEE OF THE WHOLE	
Tuesday, 2 December 10 a.m. - 1 p.m.		Informal consultations	Item 5	Adoption of a protocol or another legal instrument: fulfilment of the Berlin Mandate
3 p.m. - 6 p.m.		Informal consultations	Item 5	Adoption of a protocol or another legal instrument: fulfilment of the Berlin Mandate
Wednesday, 3 December 10 am. - 1 p.m.	Item 2 (g) (h) Item 3 (d) (e) (f) Item 4	Calendar of meetings of Convention bodies, 1998-1999 Date and venue of the fourth session of the Conference of the Parties Second review of the adequacy of Article 4.2 (a) and (b) Review of information and possible decisions under Article 4.2(f) Other matters relating to implementation Amendments to the Convention and its Annexes	Item 5	Adoption of a protocol or another legal instrument: fulfilment of the Berlin Mandate
3 p.m. - 6 p.m.		Informal consultations	Item 5	Adoption of a protocol or another legal instrument: fulfilment of the Berlin Mandate
Thursday, 4 December 10 a.m. - 1 p.m.		Informal consultations	Item 5	Adoption of a protocol or another legal instrument: fulfilment of the Berlin Mandate
3 p.m. - 6 p.m.		Informal consultations	Item 5	Adoption of a protocol or another legal instrument: fulfilment of the Berlin Mandate
Friday, 5 December 10 a.m. - 1 p.m.	Item 2 (f) Item 7	Stock-taking and decisions on further organization of work, including setting time limits on the work of the Committee of the Whole and any consultations. Status reports by the Chairman of the Committee of the Whole and by officers entrusted with informal consultations. Other matters	Item 5	Adoption of a protocol or another legal instrument: fulfilment of the Berlin Mandate (after plenary)
3 p.m. - 6 p.m.		Informal consultations	Item 5	Adoption of a protocol or another legal instrument: fulfilment of the Berlin Mandate

DATE	PLENARY		COMMITTEE OF THE WHOLE	
Saturday, 6 December 10 a.m. - 1 p.m.		Informal consultations		To be decided
3 p.m. - 6 p.m.		Informal consultations		To be decided
Monday, 8 December 10 a.m. - 1 p.m.	Item 6	High-level segment attended by ministers and other heads of delegation Statements at the opening of the high-level segment Statements by ministers and other heads of delegation		
3 p.m. - 6 p.m.		Statements (continued)		To be decided
7 p.m. - 10 p.m.		Statements (continued)		To be decided
Tuesday, 9 December 10. a.m. - 1 p.m.	Item 6	Statements (continued)		To be decided
3 p.m. - 6 p.m.	Item 6	Statements (continued)		To be decided
7 p.m. - 10 p.m.	Item 6	Statements (concluded)		To be decided
Wednesday, 10 December 10 a.m. - 1 p.m.	Item 2 (i) Items 2, 3 and 4	Adoption of the report on credentials Adoption of outstanding decisions		
3 p.m. - 6 p.m.	Item 5 Item 8 (a) (b)	Adoption of a protocol or another legal instrument [Possible initialling of the instrument or signature of a final act] Conclusion of the session Adoption of the report of the Conference of the Parties on its third session Closure of the session		